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April 13, 2015

**Updated July 23, 2015**

**(Updates are Indicated in Bold Type)**

Planning Board  
Township of Maplewood  
574 Valley Street  
Maplewood, NJ 07040

Re: PB-15-03  
Maplewood Redevelopers, L.L.C. (JMF)  
Post Office Redevelopment Site II  
Block 13.09, Lots 180, 181 & 185  
K & K File # MOR-2015003.04

Dear Board Members:

Please be informed that I have reviewed the following information in connection with the captioned matter:

- Site Plan drawings (14 sheets) prepared by Eric L. Keller, P.E., P.P. (Omland Engineering Associates, Inc., Cedar Knolls, NJ) dated March 25, 2015 **and revised June 8, 2015.**
- Architectural drawings (**originally** 10 sheets, **now 12 sheets**) prepared by David J. Minno, R.A., P.P. (Minno & Wasko Architects and Planners, Lambertville, NJ) dated March 27, 2015 **and revised June 30, 2015.**
- Traffic Assessment Study prepared by Eric L. Keller, P.E., P.P. and Lee D. Klein, P.E. (Omland Engineering Associates, Inc., Cedar Knolls, NJ) dated March 23, 2015.
- Letter report regarding site drainage prepared by James R. Woods, P.E. and Eric L. Keller, P.E., P.P. (Omland Engineering Associates, Inc., Cedar Knolls, NJ) dated March 25, 2015.
- Plan sheet entitled "Average Grade Plan" and accompanying spreadsheet calculations relating to average finished grade, not signed or sealed, prepared by Omland Engineering Associates, Inc., Cedar Knolls, NJ, dated April 8, 2015. (Note: This information was not included in the submittal to the Board. It was provided to me - at my request - by Kiersten Osterkorn, P.E., P.L.S. of Omland Engineering on April 9, 2015.) **(Note: as discussed in item B-3 below, the average grade information has been updated and incorporated onto Sheet 6 of the site drawings. Therefore, the "Average Grade Plan" sheet originally provided is no longer relevant.)**
- Color perspective renderings (2 sheets) of the proposed building prepared by David J. Minno, R.A., P.P. (Minno & Wasko Architects and Planners, Lambertville, NJ) dated March 30, 2015. (Note: This information was not included in the submittal to the Board. I obtained it from the Township website.)

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- Application, application attachment and checklists submitted by the applicant; **transmittal letter from Andy S. Norin, Esq. (Drinker Biddle & Reath, LLP, Florham Park, NJ) dated June 30, 2015.**
- Exhibit entitled **"Impervious Coverage Comparison" (one sheet) prepared by Eric L. Keller, P.E., P.P. (Omland Engineering Associates, Inc., Cedar Knolls, NJ) dated June 8, 2015.**
- Exhibit entitled **"Tunnel Sightlines" (one sheet) prepared by Eric L. Keller, P.E., P.P. (Omland Engineering Associates, Inc., Cedar Knolls, NJ) dated June 8, 2015.**
- **Inlet Drainage Area Maps (two sheets) prepared by Eric L. Keller, P.E., P.P. (Omland Engineering Associates, Inc., Cedar Knolls, NJ) dated June 8, 2015.**
- **Letter from Kiersten Osterkorn P.E., P.L.S. (Omland Engineering Associates, Inc., Cedar Knolls, NJ) dated June 30, 2015 responding to Keller & Kirkpatrick April 13, 2015 comments.**
- **Memo from Minno & Wasko Architects and Planners, Lambertville, NJ dated July 22, 2015 responding to Keller & Kirkpatrick April 13, 2015 comments. (Note: this memo is not signed.)**
- **Drainage calculations prepared by Kiersten Osterkorn P.E., P.L.S. (Omland Engineering Associates, Inc., Cedar Knolls, NJ) attached to response letter dated June 30, 2015.**
- **LEED Scorecard prepared by Minno & Wasko Architects and Planners, Lambertville, NJ dated May 5, 2015.**
- **Exhibit entitled "Exhibit for Definition of Cellar" prepared by Minno & Wasko Architects and Planners, Lambertville, NJ dated July 20, 2015.**
- **Exhibit entitled "Primary Material Exhibit" prepared by Minno & Wasko Architects and Planners, Lambertville, NJ dated July 22, 2015.**

A Title Report prepared by Old Republic National Title Insurance Company dated February 3, 2015 was also submitted to the Board. It is currently under review, and will be reported on - if necessary - at a later time. **(Note: the Title Report was reviewed on April 16, 2015. Comments in connection therewith were transmitted to the Board by letter dated April 22, 2015. See also Recommendation C-8 below.)**

#### **A - VARIANCES / WAIVERS / DEVIATIONS**

The applicant has applied for the following relief:

1. A deviation from the provisions of the third sentence in paragraph B under the heading of "Building Height" in section 3 of the *RP*. The *RP* requires any portion of a building façade along Maplewood Avenue or Ricalton Square which exceeds 30 feet in height to be set back by one foot for each foot that the façade exceeds 30 feet in height. The applicant has requested relief from this provision along the Ricalton Square side of the building, where no such setback is being proposed.

2. A deviation from the provisions of the second sentence in paragraph D under the heading of "Additional Requirements for Permitted Principal Uses" in section 3 of the *RP*. The *RP* requires that a minimum of 10% of the total number of dwelling units be affordable to low and moderate-income households. The applicant has requested a deviation to allow all of the apartments to be market rate units and to make an affordable housing contribution to the Township.
3. A deviation from the provisions of paragraph E under the heading of "Additional Requirements for Permitted Principal Uses" in section 3 of the *RP*. The *RP* requires the market-rate dwelling units to be one or two-bedroom apartments. The applicant has requested a deviation to allow two of the dwelling units to be studio apartments.
4. A deviation from the provisions of the second sentence in paragraph A under the heading of "Building Setbacks" in section 3 of the *RP*. The *RP* allows a marquee or canopy over a lobby entrance to project a maximum of 3 feet. The applicant has requested a deviation to allow six proposed entrance canopies to extend by five (5) feet.
5. A deviation from the provisions of the first sentence in paragraph D under the heading of "Building Height" in section 3 of the *RP*. The *RP* allows the parapet to be a maximum of 3.5 feet above the highest point of the roof. The applicant has requested a deviation to allow the parapet to be in varying heights up to a maximum 5.5 feet in height.
6. A deviation from the provisions of the last sentence under the heading of "Variations in Facade" in section 4 of the *RP*. The *RP* requires a vertical demarcation of the façade with a depth of at least two feet for every 100 feet of façade. The applicant has requested a deviation to allow no such demarcation along the Maplewood Avenue façade although it exceeds 100 feet in length.
7. A deviation from the provisions of the last sentence under the heading of "Balconies" in section 4 of the *RP*. The *RP* prohibits shallow "Juliet" balconies. The applicant has requested a deviation to allow "Juliet" balconies in several locations. The architectural drawings and the renderings appear to be inconsistent with each other as to these balconies. This must be reconciled.
8. A deviation from the provisions of the first sentence under the heading of "Sidewalks" in section 5 of the *RP*. The *RP* requires that sidewalks along Maplewood Avenue and Ricalton Square be a minimum of 11 feet wide. The applicant has requested a deviation to allow the sidewalk along Ricalton Square to be 10.1 feet wide.<sup>2</sup> (Note: the current plans have revised the sidewalk width at Ricalton Square to 11.1 feet. Therefore, this deviation is no longer required.)

**As a result of the recent revision and resubmittal, the applicant has requested the following additional relief:**

9. A deviation from the requirements of the *RP* as to the width of individual retail units. This is discussed in item B-1 below.

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<sup>1</sup> It is noted that the attachment to the Application incorrectly indicates that this requirement appears in Section 4 of the *RP*.

<sup>2</sup> It is noted that the attachment to the application incorrectly indicates that the amount of requested deviation from the *RP* is 0.9 inches. The correct amount is 0.9 feet, which is approximately 10 ¾ inches. **(This comment is now moot.)**

10. A deviation from the requirements of the *RP* as to the setbacks for that portion of the building façade facing Ricalton Square. This is discussed in item B-4 below.
11. A deviation from the requirements of the *RP* as to the number of stories of building facing Maplewood Avenue and Ricalton Square. This is discussed in item B-5 below.
12. A deviation from the requirements of the *RP* as to the height of that portion of the building facing the railroad. This is discussed in item B-6 below.
13. A deviation from the requirements of the *RP* as to the required setback for that portion of the building facing the railroad. This is discussed in item B-7 below.
14. A deviation from the requirements of the *RP* as to the permitted building coverage. This is discussed in item B-8 below.
15. A deviation from the requirements of the *RP* as to the provision of landscaping around the perimeter of parking areas. This is discussed in item B-13 below.
16. A deviation from the requirements of the *RP* as to requirement to break the building vertically into a “base, middle and top”. This is discussed in item B-23 below.
17. A deviation from the requirements of the *RP* as to the maximum permitted height of the “base” of the building. This is discussed in item B-24 below.
18. A deviation from the requirements of the *RP* as to the minimum required amount of glazing on the ground floor of the building. This is discussed in item B-25 below.
19. A deviation from the requirements of the *RP* as to the minimum required amount of glazing on the upper floors of the building. This is discussed in item B-26 below.
20. A deviation from the requirements of the *RP* as to the allowable sidewalk width along Maplewood Avenue. This is discussed in item B-29 below.
21. A waiver from the provisions of §271-32C(8) of the Township Code regarding topographic survey “overlap”. This is discussed in item B-40 below.

My review discloses that the following relief will also be required:

22. A waiver from the provisions of §271-50E(1) of the Township Code regarding the width of the driveway at the rear of the building. A width of 14 feet is required for one-way operation on 45 degree parking stalls; the applicant proposes a width of 13 feet.
23. A waiver from the provisions of §271-50B of the Township Code regarding the location of the proposed loading area. Deliveries are proposed to be made at the driveway at the rear of the building.

I request that Ms. Lewis ascertain that the appropriate fees have been collected for the above-mentioned deviations and waivers.

## **B – COMPLETENESS REVIEW**

The above-listed plans and reports were reviewed for compliance with the development regulations appearing in Sections 3, 4 and 5 of the Maplewood Village Post Office Redevelopment Plan adopted by the Township Committee on July 16, 2013 (hereinafter the “RP”). In my report dated April 13, 2015, I found the application to be incomplete. Subsequently, the plans were revised and supplemented. As a result, the application is now substantially complete, and I have no objection to scheduling the public hearing. I provide below an item-by-item discussion of my original incompleteness determination, the applicant’s response to each item and my determination (with commentary) as to the status of applicant’s response. For brevity, I use the abbreviations “K&K”, “M&W” and “OEA” to signify “Keller & Kirkpatrick, Inc.”, “Minno & Wasko” and “Omland Engineering Associates, Inc.” respectively.

1. **4/13/2015 K&K Comment:** In Section 3, Paragraph B under the heading of “Additional Requirements for Permitted Principal Uses”, the RP limits the width of any individual retail business, financial institution, restaurant or retail postal facility to a maximum of 30 feet unless “the façade design is broken up to appear as two or more storefronts 30 feet or less in width”. The width of proposed Retail Area #5 is 33 feet-5 inches, and there is nothing in the exterior treatment of this tenant space that would give the impression that is more than one storefront. Therefore, this tenant area shall be redesigned to comply with the cited provision of the RP, or a deviation shall be requested.

**07/22/2015 M&W Response:** *“In response to the width of retail space #5 being greater than 30’-0”, we request a deviation. This is a design characteristic that was reviewed and approved by the Post Office Design Review Sub-committee as well as the Maplewood Village Alliance.”*

**7/23/2015 K&K Status:** A deviation has now been requested. The applicant shall provide testimony in support of the request at the public hearing.

2. **4/13/2015 K&K Comment:** In Section 3, Paragraph G under the heading of “Additional Requirements for Permitted Principal Uses”, the RP requires a minimum of 1,500 square feet of “publicly-accessible open space” While the diagram on sheet 9 of the site plans indicates that this requirement is being met, I do not concur with it including the two crosswalks that cross the paved driveway at the rear of the building. The open space diagram shall be revised to delete the area of these crosswalks.

**6/30/2015 OEA Response:** *“Sheet 9 has been revised to exclude the two crosswalks that cross the paved driveway at the rear of the building as part of the “publicly-accessible open space”. Note, the Applicant still far exceeds the required minimum open space requirements.”*

**7/23/2015 K&K Status:** The submitted information is acceptable.

3. **4/13/2015 K&K Comment:** The method of calculating the “average finished grade” (which is a component of the measurement of building height) appears in the final sentence of paragraph A under the heading of “Building Height” in section 3 of the RP. A calculation of the average grade was provided by the applicant’s engineer. However, I do not concur with the methodology employed. It is my



opinion that the elevated entry platform which runs across the front of the building should be considered to be a part of the building, since access to the tenant (retail) spaces could not occur without it. Therefore, the spot grades required by the *RP* must follow the grades of the sidewalk along the exterior of the elevated entry platform, not along the platform itself. The average finished grade shall be recalculated to follow this methodology, and the architectural drawings shall be revised to depict the corrected average grade and the calculated building heights resulting therefrom. By my rough calculation, using the correct methodology results in the average grade being approximately 0.48 feet (5 ¾ inches) lower than is currently stated. As a result, all building heights which are measured from the average grade will be 5 ¾ inches greater than are currently shown.

**6/30/2015 OEA Response:** *"We have revised sheet 6 to include the grades used for calculating the 'average finished grade'. We have used the spot grades of the sidewalk along the exterior of the elevated entry platform. Based on this revised calculation, the average finished grade is 136.18 and the building height is 43.32."*

**7/23/2015 K&K Status:** The submitted information is acceptable. However, if the grading around the building should be further revised during the course of final revisions, the applicant is reminded that it will be necessary to recalculate the average grade and the resulting building height(s).

4. **4/13/2015 K&K Comment:** In Section 3, the first sentence of Paragraph B under the heading of "Building Height", the *RP* limits the height of the building facades along Maplewood Avenue and Ricalton Square to a maximum of 30 feet at any point. The plans currently show the façade along Maplewood Avenue to be approximately 49 feet (scaled) high, and the façade along Ricalton Square to be approximately 44 feet (scaled) high. Either the building plans shall be revised to meet this requirement or the application shall be amended to include requests for deviation(s) from the requirement.

**07/22/2015 M&W Response:** *"The Redevelopment Plan permits height in excess of 30' as long as the portion of the building height above 30 feet in height is set back from the street line one foot for every foot in building height over 30 feet. Building Height is 43'-3" thus requiring a setback from the street line of 13'. The setback from the Maplewood Avenue street line is nearly 27' and complies with this requirement. The setback from the Ricalton Square street line is 11' and a minor deviation is therefore required and requested. It is also important to note that these design characteristics were developed in close coordination with, and were thoroughly reviewed and approved by, the Post Office Design Review Sub-committee as well as the Maplewood Village Alliance. Notwithstanding the foregoing, to the extent the Planning Board determines that additional deviations are required, we request approval of such deviations."*

**7/23/2015 K&K Status:** I do not concur with either the calculations or measurements recently provided by the architect. The absolute building height along Maplewood Avenue is approximately 48 feet. Therefore, the required setback for the portion of the building exceeding 30 feet which faces Maplewood Avenue is approximately 18 feet. The proposed building is set back from Maplewood Avenue by approximately 19 feet. Therefore, this complies. However, on the Ricalton Square side, the absolute building height is approximately 43 feet. Therefore, the required setback for the portion of the building exceeding 30 feet which faces Ricalton Square is approximately 13 feet. The proposed

building is set back from Ricalton Square by 0 feet. Therefore, a deviation is required. Despite the discrepancies as to the extent of the proposed non-conformities, a deviation has now been requested. The applicant shall provide testimony in support of the request at the public hearing.

5. **4/13/2015 K&K Comment:** In Section 3, the second sentence of Paragraph B under the heading of "Building Height", the *RP* limits the facades along Maplewood Avenue and Ricalton Square to two stories, with a provision for an additional partial story along Maplewood Avenue to make up for grade change along the street. The plans currently show the façade along Maplewood Avenue to be 3+ stories high, and the façade along Ricalton Square to be 3 stories high. Either the building plans shall be revised to meet this requirement or the application shall be amended to include requests for deviations from the requirement.

**07/22/2015 M&W Response:** *"See response to item No. 4."*

**7/23/2015 K&K Status:** By virtue of Response #4 including a request for deviation to the extent necessary, a request for a deviation as to the number of stories has now been requested. It should be noted that the proposed non-conformity will occur on two sides, namely Maplewood Avenue and Ricalton Square. The applicant shall provide testimony in support of the request at the public hearing.

6. **4/13/2015 K&K Comment:** In Section 3, the first sentence of Paragraph C under the heading of "Building Height", the *RP* limits the height of the south building façade to a maximum of three stories and 40 feet above the grade of the corner of the lot. The plans currently show the building to be 4 stories and approximately 51 feet (scaled) high at the southwest corner, and 3+ stories and approximately 48 feet high at the northwest building corner. Either the building plans shall be revised to meet these requirements or the application shall be amended to include requests for deviations from the requirements.

**07/22/2015 M&W Response:** *"With respect to the number of stories, the proposed building provides 3 stories and a cellar (not a "basement"), and therefore complies with the story requirement of the Redevelopment Plan. Section 271-3 of the Township Code defines "Cellar" as*

*"That portion of a building lying partly underground but having at least one-half (½) of its clear height below the average grade of the adjoining ground. The 'cellar' shall not be counted as a story in determining the height of a building."*

*The exhibit which was forwarded to the Board Consultant on July 22, 2015 demonstrates that the lowest level of the building is a "cellar" by having more than ½ of its clear height below the average grade. Therefore, the building complies with the story requirements of the Redevelopment Plan.*

*With respect to the height requirement, the Redevelopment Plan allows for the additional height if the portion of the building in excess of 40' is set back from the façade 2' for every one foot in building height over 40'. We request a deviation as the portion of building above 40' is not set back from the façade. However it is important to note that these design characteristics were developed in close coordination with, and were thoroughly reviewed and approved by the Post Office Design Review Sub-committee as well as the Maplewood Alliance."*

**7/23/2015 K&K Status:** I concur with the architect with respect to the number of stories. As to the height, a deviation has now been requested. The applicant shall provide testimony in support of the request at the public hearing.

7. **4/13/2015 K&K Comment:** In Section 3, the last sentence of Paragraph C under the heading of "Building Height", the *RP* allows the south building façade to exceed 40 feet in height if the portion above 40 feet is set back two feet for each foot of height exceeding 40 feet. No such setback is shown on the current plans. Either the building plans shall be revised to meet this requirement or the application shall be amended to include a request for a deviation from this requirement.

**07/22/2015 M&W Response:** *"See response to item No. 6."*

**7/23/2015 K&K Status:** A deviation has now been requested. The applicant shall provide testimony in support of the request at the public hearing.

8. **4/13/2015 K&K Comment:** In Section 3, Paragraph A under the heading of "Coverage", the *RP* allows a maximum building coverage of 60%. I do not concur with the information in the Zoning Table on sheet 2 of the site plans which indicates that the building area is 12,480 square feet and the resulting lot coverage is 58.6%. The elevated entry platform on the front side of the building is an integral part of the building, and it has an area of approximately 868 square feet. Therefore, the building area is actually 12,480 square feet + 868 square feet, which equals 13,348 square feet. The building coverage would therefore be 13,348/21,510, which equals 62.0%, which exceeds the allowable coverage. Either the building plans shall be revised to meet this requirement or the application shall be amended to include a request for a deviation from this requirement.

**6/30/2015 OEA Response:** *"Including the elevated platform in the building coverage, the coverage calculates to 61.9%, which is over the allowed 60%, therefore a deviation is requested."*

**7/23/2015 K&K Status:** A deviation has now been requested. The applicant shall provide testimony in support of the request at the public hearing.

9. **4/13/2015 K&K Comment:** The plans do not contain sufficient information to verify the assertion in the Zoning Table that the proposed improved lot coverage is 93.5%. (95% maximum is allowed in *RP* Section 3, Paragraph B under the heading of "Coverage".) The applicant shall provide substantiation of this calculation. Typically, this is most readily done by providing the AutoCAD file of the site showing the improved lot area.

**6/30/2015 OEA Response:** *"An exhibit entitled 'Impervious Coverage' has been provided with this submission to show each impervious area in square feet. This should provide substantiation for the improved lot coverage of 95%."*

**7/23/2015 K&K Status:** The submitted information is acceptable.



10. **4/13/2015 K&K Comment:** In the paragraph entitled "Awnings" in Section 4, the *RP* requires all awnings to be fabric, explicitly excluding the use of metal. The "awnings" above the entry doors at ground level are currently proposed to be metal. Either the building plans shall be revised to meet this requirement or the application shall be amended to include a request for a deviation from this requirement.

**07/22/2015 M&W Response:** *"The metal canopies above the entry doors at ground level are not awnings regulated by Section 4 of the Redevelopment Plan. They are instead regulated by Section 3 of the Redevelopment Plan under Building Setbacks, which specifically allow for "canopies" over entrances that project up to 3' and are not limited to fabric. This is contrary to Section 4 which regulates awnings with separate and distinct setback and material requirements. Furthermore, the proposed canopies area design characteristic that was developed in close coordination with, and was thoroughly reviewed and approved by, the Post Office Design Review Sub-committee as well as the Maplewood Village Alliance."*

**7/23/2015 K&K Status:** Agreed.

11. **4/13/2015 K&K Comment:** In the paragraph entitled "Bicycle Facilities" in Section 4, the *RP* requires a minimum of three exterior bicycle racks, each with a minimum capacity of eight bikes. No such racks are shown. Either the site plans shall be revised to meet this requirement or the application shall be amended to include a request for a deviation from this requirement.

**6/30/2015 OEA Response:** *"Sheet 5 shows the existing bike racks to remain. Applicant will satisfy this requirement to the extent required by the Board and the Village Alliance. A note has been added to sheet 5 stating 'Bicycle rack locations to be determined by a site walk with the Township and Alliance after construction is complete'."*

**7/23/2015 K&K Status:** This process is acceptable provided that the applicant confirms in testimony that the required number of new bike racks (3) will be provided.

12. **4/13/2015 K&K Comment:** In the paragraph entitled "Building Materials and Façade Design" in Section 4, the *RP* limits "primary building materials" to brick, stone and/or stucco and "accent materials" to painted and non-reflective metals, glass, aluminum, wrought iron, matte finish ceramic, slate, terra cotta, stone and wood clapboard siding. The applicant shall either provide proof that the "Arriscraft pre-cast panel" shown on the base of the building conforms to the approved materials, or apply for a deviation from the requirement. In addition, the applicant shall provide calculations and/or drawings to prove that a minimum of 75% of each façade is covered by "primary materials". If this requirement is not met, the applicant shall apply for a deviation.

**07/22/2015 M&W Response:** *"In response to the paragraph entitled "Building Materials and Façade Design" we represent that the Arriscraft product that is being used on the base of the building is a cast stone, and therefore qualifies as a "primary material". In addition, the Board Consultant was provided an exhibit on July 22, 2015 to prove that in excess of 75% of each façade is covered in "primary material". This information will be presented in testimony at the public hearing. It should be noted that a sample of each exterior material was reviewed and approved by the Post Office Design Review Sub-committee as well as the Maplewood Village Alliance."*

**7/23/2015 K&K Status:** The applicant has agreed to introduce The "Primary Material Exhibit" at the public hearing and to provide testimony in support of the Arriscraft product meeting the RP definition of "Primary Material".

13. **4/13/2015 K&K Comment:** In the last paragraph under the heading of "Parking Design" in Section 4, the RP requires landscaping around the perimeter of all surface parking lots. No landscaping is shown on the west side of Lot 185 or along the south side of Lot 180. Either the site plans shall be revised to meet this requirement or the application shall be amended to include a request for deviation(s) from this requirement.

**6/30/2015 OEA Response:** *"Landscaping cannot be provided on the west side of Lot 185 as there is a narrow sidewalk between the western lot line of Lot 185 and the existing building on Lot 186. This is an existing condition that will remain. A deviation is requested to the extent required. A hedge row of evergreens has been added to sheet 7 along the south side of Lot 180."*

**7/23/2015 K&K Status:** A deviation regarding the west side has now been requested. The applicant shall provide testimony in support of the request at the public hearing. The proposed hedge row on the south side is acceptable.

14. **4/13/2015 K&K Comment:** In the paragraph entitled "Streetscape" in Section 4, the RP requires a "community bulletin board, kiosk or similar feature" along the Maplewood Avenue frontage of the project. No such features are shown. Either the site plans shall be revised to meet this requirement or the application shall be amended to include a request for a deviation from this requirement.

**6/30/2015 OEA Response:** *"Applicant will satisfy this requirement in coordination with the Board's professionals and the Village Alliance. A note has been added to sheet 5 stating 'Community bulletin board signs to be relocated per Township and Alliance. Final locations to be field verified'."*

**7/23/2015 K&K Status:** Agreed.

15. **4/13/2015 K&K Comment:** The applicant shall indicate what building and site design measures are being taken to comply with the requirements described under the heading of "Sustainable Design" in Section 4 of the RP.

**07/22/2015 M&W Response:** *"In response to 'Sustainable Design' in section 4 the applicant will be meeting the requirements for a 'LEED SILVER' Certification. This certification exceeds the RP requirement. Enclosed is a preliminary 'LEED' score card. Additional information can be provided as the project progresses."*

**7/23/2015 K&K Status:** The submitted information is acceptable, and shall be updated as the design progresses.

16. **4/13/2015 K&K Comment:** The applicant shall provide documentation to demonstrate that the project will comply with the green building requirements described under the heading of "LEED Certification" in Section 4 of the RP. This information shall be in the form of a preliminary LEED score

card and/or other supporting documentation, and shall be updated from time-to-time as the design of the project advances.

**07/22/2015 M&W Response:** *"Please refer to item #15 for "LEED" certification information."*

**7/23/2015 K&K Status:** The submitted information is acceptable, and shall be updated as the design progresses.

17. **4/13/2015 K&K Comment:** The applicant shall indicate what energy efficient products and practices will be utilized to comply with the requirements under the heading of "Energy Star" in Section 4 of the RP. This information shall include a list of such measures/practices, and shall be updated from time-to-time as the design of the project advances.

**07/22/2015 M&W Response:** *"In response to the Energy Star section of the RP, the applicant intends to use efficient products, fixtures, appliances and practices as often as possible. The client will provide a list of items as the design of the project advances."*

**7/23/2015 K&K Status:** This response shall be expanded upon in testimony at the public hearing. In particular, the applicant shall indicate if the NJ Office of Clean Energy has been contacted for particulars as to the NJ Energy Star program.

18. **4/13/2015 K&K Comment:** The applicant shall indicate if any designs and/or measures will be implemented to meet the objectives described under the heading of "Cool Roofs and Green Roofs" in Section 4 of the RP.

**07/22/2015 M&W Response:** *"In response to Section 4 'Cool Roofs & Green Roofs' the applicant has selected a "White" EPDM Roof product."*

**7/23/2015 K&K Status:** This response shall be expanded upon in testimony at the public hearing. In particular, the applicant shall indicate if the proposed roof will have a solar reflectivity of 40% or greater.

19. **4/13/2015 K&K Comment:** The site plan drawings shall indicate if an exterior water meter vault will be required. If so, the location of the vault shall be shown on the plans.

**6/30/2015 OEA Response:** *"A note has been added to sheet 6 stating 'The applicant/owner will coordinate with the water company for the location of the water meter vault'."*

**7/23/2015 K&K Status:** This process is acceptable. Should the location of the primary service require any revisions to other parts of the plans, they must be resubmitted to the Board Consultant for approval.

20. **4/13/2015 K&K Comment:** The site plan drawings shall indicate the location of the primary electrical service to the proposed transformer shown at the rear of the building.

**6/30/2015 OEA Response:** *"A note has been added to sheet 6 stating 'The applicant/owner will coordinate with the electric company for the electrical service connection to the proposed transformer'."*

**7/23/2015 K&K Status:** This process is acceptable. Should the location of the primary service require any revisions to other parts of the plans, they must be resubmitted to the Board Consultant for approval.

21. **4/13/2015 K&K Comment:** The site plan drawings shall indicate the size, slope and invert elevations of the proposed sanitary sewer lateral. Provide a cleanout within 5 feet of the building.

**6/30/2015 OEA Response:** *"The size, slope and invert of the proposed sanitary sewer lateral and a cleanout has been added to sheet 6."*

**7/23/2015 K&K Status:** The submitted information is acceptable

22. **4/13/2015 K&K Comment:** I concur with the drainage report that the overall amount of runoff will not be materially increased. However, the applicant shall provide an "inlet-by-inlet" drainage calculation both in the pre-development and post-development conditions to ascertain that no significant diversions of runoff will occur which could have an adverse impact on the capacity of the storm drainage system in the area.

**6/30/2015 OEA Response:** *"An 'inlet-by-inlet' drainage map and calculation for both the pre-development and post-development conditions has been provided with this submission."*

**7/23/2015 K&K Status:** The submitted information is acceptable.

23. **4/13/2015 K&K Comment:** In the first sentence of the paragraph entitled "Variations in Facade" in Section 4, the *RP* requires the building to be "broken up vertically into a base, a middle and a top". The plans show a base and a middle, but there is no "top" since the same material as the middle is carried all the up to the top of the building, with no change in the plane of the building. Either the building plans shall be revised to meet this requirement or the application shall be amended to include a request for a deviation from this requirement.

**07/22/2015 M&W Response:** *"In response to the paragraph entitled 'Variations in Façade' in section 4. The section pertaining to horizontal breaks at the base, middle, and top the applicant requests a deviation. This is a design characteristic that was developed in close coordination with, and was thoroughly reviewed and approved by the Post Office Design Review Sub-committee as well as the Maplewood Village Alliance."*

**7/23/2015 K&K Status:** A deviation has now been requested. The applicant shall provide testimony in support of the request at the public hearing.

24. **4/13/2015 K&K Comment:** In the second sentence of the paragraph entitled "Variations in Facade" in Section 4, the *RP* permits the "base" to be no higher than 15 feet above the adjacent finished grade. The current plans show the base to be up to approximately 20 feet high along Maplewood Avenue and

up to approximately 24 feet high on the south (Village Coffee) side of the building. Either the building plans shall be revised to meet this requirement or the application shall be amended to include a request for deviation(s) from this requirement.

**07/22/2015 M&W Response:** *"In response to the paragraph entitled "Variations in Façade" in section 4. The base is permitted a maximum height of 15'. The applicant requests a deviation. The base rises up to 22'-6" on the current on the current application. This is a design characteristic that was developed in close coordination with, and was thoroughly reviewed and approved by the Post Office Design Review Sub-committee as well as the Maplewood Village Alliance."*

**7/23/2015 K&K Status:** A deviation has now been requested. The applicant shall provide testimony in support of the request at the public hearing.

25. **4/13/2015 K&K Comment:** The applicant shall demonstrate compliance with the minimum 75% transparent ground-floor glazing requirement described in the second paragraph under the heading of "Windows and Garage Openings" in Section 4 of the *RP*. If this requirement is not met, the applicant shall either revise the building plans to comply or amend the application to request a deviation from the requirement.

**07/22/2015 M&W Response:** *"In response to the ground floor glazing calculation minimum of 75% the applicant requests a deviation. See sheet A-10 for diagrams providing calculations. The ground floor glazing design is a design characteristic that was developed in close coordination with, and was thoroughly reviewed and approved by the Post Office Design Review Sub-committee as well as the Maplewood Village Alliance."*

**7/23/2015 K&K Status:** A deviation has now been requested. It should be noted that all four sides of the building do not meet the requirement, ranging from 24% (at the rear of the building) to 42% (along the front and Village Coffee side of the building). The applicant shall provide testimony in support of the request at the public hearing.

26. **4/13/2015 K&K Comment:** The third paragraph under the heading of "Windows and Garage Openings" in Section 4 of the *RP* requires the upper stories to contain a minimum of 40% glazing. I spot-checked the glazing of the upper stories on the rear façade of the building, and find that it is approximately 28% of the façade area, in substantial deviation from the requirement. Therefore, the applicant shall submit drawings and/or calculations of the upper-story glazing on the remaining facades of the building. Either any non-conforming areas shall be revised, or the application shall be amended to request deviation(s) from the requirement.

**07/22/2015 M&W Response:** *"In response to the upper floor glazing calculation minimum of 40% the applicant requests a deviation. See sheet A-11 for diagrams providing calculations. The upper floor glazing design is a design characteristic that was developed in close coordination with, and was thoroughly reviewed and approved by the Post Office Design Review Sub-committee as well as the Maplewood Village Alliance."*

**7/23/2015 K&K Status:** A deviation has now been requested. It should be noted that all four sides of the building do not meet the requirement, ranging from 28% (at the front of the building) to



**30% (along the Ricalton Square and Village Coffee sides of the building). The applicant shall provide testimony in support of the request at the public hearing.**

27. **4/13/2015 K&K Comment:** The fourth paragraph under the heading of "Windows and Garage Openings" in Section 4 of the *RP* requires that openings of the garage area five feet or higher above finished grade contain "windows or similar openings". The applicant shall demonstrate how the "powder coated aluminum louvers" shown on the plans comply with this requirement. If the louvers do not comply, the applicant shall either revise the building plans to comply or amend the application to request a deviation from the requirement. I also note that the perspective rendering of the rear of the building does not show the grillwork/garage door at the entrance to the in-building parking area. If the rendering is to be revised, the garage entry door shall be added.

**07/22/2015 M&W Response:** *"In response to the garage wall "louvers " it was a collaborative design decision from the Maplewood Village Alliance that these mechanical vent louvers blend in color with the cast stone around it. The dimensions of the openings could not replicate that of the surrounding windows due to its proximity to grade. The horizontal louvers do fit the intent of the RP as grillwork."*

**7/23/2015 K&K Status:** Agreed.

28. **4/13/2015 K&K Comment:** The plans show a 24-foot wide opening into the in-building parking area, exceeding the 20-foot maximum permitted in the fifth paragraph under the heading of "Windows and Garage Openings" in Section 4 of the *RP*. Either the non-conforming opening shall be revised, or the application shall be amended to request a deviation from the requirement.

**07/22/2015 M&W Response:** *"In response to the garage opening the applicant has revised the building plan to comply with the maximum of 20'-0."*

**6/30/2015 OEA Response:** *"The entrance to the in-building parking area has been revised to an opening of 20 feet, which complies with the redevelopment plan."*

**7/23/2015 K&K Status:** The submitted information is acceptable.

29. **4/13/2015 K&K Comment:** The proposed sidewalk along Maplewood Avenue is shown to be 18 feet wide at its widest location, exceeding the 15-foot maximum permitted in the paragraph entitled "Sidewalks" in Section 5 of the *RP*. Either the non-conforming sidewalk shall be revised, or the application shall be amended to request a deviation from the requirement.

**6/30/2015 OEA Response:** *"In pre-application meetings with the Township it was concluded that the elevated sidewalk did not count toward satisfaction of either the minimum or maximum width of the sidewalk. If this determination has been changed, a deviation is requested."*

**7/23/2015 K&K Status:** Nonetheless, the sidewalk width where it approaches the elevated walkway is approximately 25 feet wide. Therefore, the deviation will be required. The applicant shall provide testimony in support of the request at the public hearing.

30. **4/13/2015 K&K Comment:** The site design does not provide an “unobstructed line of sight” between Maplewood Avenue and the southerly railroad pedestrian tunnel as required in the penultimate sentence in the second paragraph under the heading of “Vehicular and Pedestrian Connections” in Section 5 of the *RP*. Either the non-conforming lack of line-of-site shall be eliminated, or the application shall be amended to request a deviation from the requirement.

**6/30/2015 OEA Response:** *“An exhibit showing the existing line of the sight versus the proposed line of sight between Maplewood Avenue and the southerly railroad pedestrian tunnel has been provided with this submission. As shown on the exhibit, the design does provide an ‘unobstructed line of sight’ between Maplewood Avenue and the southerly railroad pedestrian tunnel. The full length of Maplewood Avenue from the proposed building to Village Coffee will be visible immediately upon exiting the tunnel. In addition, the southwest corner of the proposed building is designed as a retail storefront with glass windows to further improve visibility, openness and light. The proposed condition is a substantial improvement over the existing condition given the increased setback of the proposed building to the tunnel as opposed to the existing post office building, which is a monolithic wall built right up to the railroad right of way and allows for little visibility, openness and light.”*

**7/23/2015 K&K Status:** The exhibit nominally depicts a clear line of sight while one traverses the walkway along the building. However, the assertion that the “full length of Maplewood Avenue from the proposed building to Village Coffee will be visible” shall be expanded upon in testimony. In particular, the sight lines must be considered in light of vertical obstructions, particularly cars that may be parked in Lot 185.

31. **4/13/2015 K&K Comment:** The applicant shall indicate any measures that have been taken to comply with the barrier-free improvements which are encouraged in the last sentence in the second paragraph under the heading of “Vehicular and Pedestrian Connections” in Section 5 of the *RP*.

**6/30/2015 OEA Response:** *“Barrier-free improvements are always encouraged on a project site. Since this project site is part of a redevelopment plan, barrier-free improvements have been provided where possible. Curb ramps are provided at crosswalks, the required barrier-free parking spaces are provided, and a barrier-free route is provided along the building to all of the door entrances from the southwest side of the building to the north and around the building to the southeast, as well as within the garage. We believe these barrier-free improvements are sufficient for the proposed development and comply with the barrier-free subcode.”*

**7/23/2015 K&K Status:** The submitted information is acceptable.

32. **4/13/2015 K&K Comment:** The third paragraph under the heading of “Vehicular and Pedestrian Connections” in Section 5 of the *RP* requires landscaping along the pathway being provided at the rear of the site. No landscaping is depicted on the plans other than at the entry to the pedestrian tunnel and at the northerly end of the parking aisle near the rear of the building. Either the plans shall be revised to include the required landscaping, or the application shall be amended to request a deviation from the requirement.

**6/30/2015 OEA Response:** *“A hedge row of evergreens has been added to sheet 7 along the south side of Lot 180.”*

**7/23/2015 K&K Status:**      The submitted information is acceptable.

33. **4/13/2015 K&K Comment:** The amount of proposed (exterior) parking is one stall less than the requirement listed in the paragraph entitled "Public Parking" and the paragraph entitled "Non-Residential Parking" in Section 5 of the *RP*. The calculation is as follows:

**Required:**

|  |                  |
|--|------------------|
| Replace or maintain existing stalls on south side of site                | 29 stalls        |
| Replace or maintain existing stalls near Ricalton Square                 | 12 stalls        |
| <u>Provide new stalls for proposed retail use <math>9515/400=</math></u> | <u>24 stalls</u> |
| Total Required exterior:   | 65 stalls        |

**Provided:**

|  |                  |
|--|------------------|
| Remaining stalls in south parking lot      | 29 stalls        |
| New stalls at rear of building             | 12 stalls        |
| Reconfigured stalls near Ricalton Square   | 4 stalls         |
| New stalls in Woodland lot                 | 6 stalls         |
| <u>Stalls provided by merchant permits</u> | <u>13 stalls</u> |
| Total stalls provided                      | 64 stalls        |

Either the plans shall be revised to include the required stall, or the application shall be amended to request a deviation from the requirement.

**6/30/2015 OEA Response:**    *"Additional stalls have been provided within Ricalton Square to bring the total exterior stalls to 66."*

**7/23/2015 K&K Status:**      The revised parking count is as follows, and is acceptable:

**Provided:**

|  |                  |
|--|------------------|
| Remaining stalls in south parking lot      | 29 stalls        |
| New stalls at rear of building             | 11 stalls        |
| Reconfigured stalls near Ricalton Square   | 7 stalls         |
| New stalls in Woodland lot                 | 6 stalls         |
| <u>Stalls provided by merchant permits</u> | <u>13 stalls</u> |
| Total stalls provided                      | 66 stalls        |

34. **4/13/2015 K&K Comment:** Mr. Mittermaier has determined that the walkway along the railroad (rear) side of the building extending to the train station must be designed in accordance with barrier-free standards. Therefore, gradients exceeding 1:20 may not be utilized unless the walkway is designed as a series of ramps (with railings) not exceeding 1:12 in gradient and a length of each ramp not exceeding 30 feet. The site plans shall be revised to comply with this standard as the Board is not empowered to grant relief from this requirement.

**6/30/2015 OEA Response:** *"We respectfully disagree with the requirement for the walkway along the railroad side of the building extending to the train station to be designed in accordance with barrier-free standards. Since we are improving the overall flow for vehicular access and pedestrian access from Baker Street, through the public parking areas, to the train station, we designed our plan based on meeting existing conditions outside of this project's site. We comply with the Uniform Construction Code (NJAC 5:23-7) Barrier Free Subcode, specifically section 5:23-7.7.3, 'an accessible route within a site shall be provided from public transportation stops, accessible parking and accessible passenger loading zones, and public streets or sidewalks to the building entrance served.' In addition, we comply with section 5:23-7.7.2, stating that 'where the natural and undeveloped contour of the land exceeds the slope required for an accessible route and it is technically infeasible to alter the land contour, a vehicular route may be provided as an alternate accessible route.' Based on these standards, the project site complies with section 5:23-7.7.2 since the project provides an accessible route to the public transportation, accessible parking spaces, and public streets and sidewalks to the project site's building entrance. Similarly, the project site complies with section 5:23-7.7.2 since this project's design needs to meet existing grade to the southwest end of the site at elevation 129 and to the southeast of the site at elevation 139, which results in a slope of around 7%, and the project site is unable to disturb into the NJ Transit's property to the south. Since it is infeasible to alter the contour of the land, a vehicular route is provided as an alternate accessible route. Also, a barrier-free accessible parking space is provided near the southwest corner of the building in accordance with a barrier-free accessible route from the tunnel entrance.*

*Please also note that the pedestrian accesses within NJ Transit's tunnel to the tracks and to Dunnell Road are not barrier-free compliant since only stairs are provided at either access point.*

*Based on the regulations described above and the existing conditions around the project's site, we believe the project's design complies with the regulations and significantly improves the overall vehicular and pedestrian access from Baker Street to the train station."*

**7/23/2015 K&K Status:** I am willing to defer this matter, since it is within the jurisdiction of Mr. Mittermaier, not the Board. However, the applicant is cautioned that should the Board approve the plan as currently designed and then Mr. Mittermaier reaches an unfavorable determination regarding the barrier-free access, the issuance of building permits and certificates of occupancy may be at risk.

35. **4/13/2015 K&K Comment:** Mr. Mittermaier has determined that the in-building parking lot (for residential tenants) must include at least one van-accessible, barrier-free parking stall. The Board is not empowered to grant relief from this requirement. It is noted that 21 stalls are currently shown. A minimum of 20 stalls total (one per dwelling unit) is required.

**07/22/2015 M&W Response:** *"In response to the van-accessible parking space in the garage the applicant has complied."*

**7/23/2015 K&K Status:** The requested van stall has been shown.

36. **4/13/2015 K&K Comment:** Mr. Mittermaier has determined that the parking lot to the rear of the building must include at least one van-accessible, barrier-free parking stall. The site plans shall be revised to comply with this standard as the Board is not empowered to grant relief from this requirement.

**6/30/2015 OEA Response:** *"The barrier-free parking stall has been moved to the southwest corner of the building. We are unable to propose the barrier-free parking stall in the parking lot to the rear of the building due to the grading based on the existing grades. We believe that the barrier-free parking stall to the southwest corner of the building is sufficient to satisfy this requirement."*

**7/23/2015 K&K Status:** I am willing to defer this matter, since it is within the jurisdiction of Mr. Mittermaier, not the Board. However, the applicant is cautioned that should the Board approve the plan as currently designed and then Mr. Mittermaier reaches an unfavorable determination regarding the barrier-free access, the issuance of building permits and certificates of occupancy may be at risk.

37. **4/13/2015 K&K Comment:** The site plans imply that a loading area is to be provided somewhere along the rear of the building, but the area is not clearly delineated. (See similar comment in the April 7, 2015 review memo from Bernard Boerchers, copy attached.) The plans shall be revised to depict a loading area including screening in accordance with the paragraph entitled "Loading" in Section 5 of the RP. The plans shall also depict truck turning motions to assure compliance with the standards in the RP. Additionally, if the proposed loading area impairs access to the rear of the site or elsewhere, the application must be amended to request a waiver from the provisions of §271-50B of the Township Code.

**6/30/2015 OEA Response:** *"A loading area has been provided along the rear of the building. Signage indicating the location of the loading area will be provided instead of stripping because it is an aesthetic improvement and has been endorsed by the Village Alliance. Screening is not feasible and is unnecessary. Any impairment to circulation due to the location of the loading area will be de minimus in nature as the loading area will only be utilized for limited periods by small box trucks, UPS and Fedex, and small moving trucks. It is unnecessary to accommodate tractor trailers as Kings will remain in its existing location and continue to receive delivers as it currently does. Deviations are requested to the extent required."*

**7/23/2015 K&K Status:** A waiver has now been requested. The applicant shall provide testimony in support of the request at the public hearing.

38. **4/13/2015 K&K Comment:** The base map and the Subdivision Plan shall be revised to include the updated boundary information and subdivision lot descriptions which were provided to Mr. Malavasi on March 27, 2015.

**6/30/2015 OEA Response:** *"The base map and the Subdivision Plan have been revised to include the updated boundary information by Keller and Kirkpatrick dated March 27, 2015."*

**7/23/2015 K&K Status:** The submitted information is acceptable.

39. **4/13/2015 K&K Comment:** The site plans shall be revised to depict sight triangles at all driveways and street intersections in accordance with §271-55 of the Township Code. If the plans do not comply, the application must be amended to request a waiver from this requirement.



**6/30/2015 OEA Response:** *"The sight distance lines are shown on sheet 4 for the parking lot in Lot 185 exiting onto Maplewood Ave. Since the parking lot within Ricalton Square is one way from Maplewood Ave, we do not need to provide a sight distance."*

**7/23/2015 K&K Status:** The submitted information is acceptable.

40. **4/13/2015 K&K Comment:** The site plans must be revised to include an "overlap" of 100 feet for the topographic survey of the project area per §271-32C(8) of the Township Code. If the plans do not comply, the application must be amended to request a waiver from this requirement.

**6/30/2015 OEA Response:** *"We do not provide a topography overlap of 100 feet, therefore a submission waiver is requested."*

**7/23/2015 K&K Status:** A waiver has now been requested. The applicant shall provide testimony in support of the request at the public hearing.

#### C – RECOMMENDATIONS

1. **4/13/2015 K&K Comment:** The use of speed humps is encouraged in the paragraph entitled "Traffic Calming" in Section 5 of the *RP*. Two locations that are suitable for speed humps are the two pedestrian crosswalks crossing the drive aisle at the rear of the building. If grading considerations allow, I recommend that the plans be revised accordingly.

**6/30/2015 OEA Response:** *"Speed humps are not proposed at this time as we do not believe they are necessary for the design of this project."*

**7/23/2015 K&K Status:** I continue to suggest that speed humps would be appropriate at the cited locations and that their provision would be consistent with the requirement contained in Section 5 of the *RP* that traffic calming techniques must be used in any location where a pathway crosses a driveway.

2. **4/13/2015 K&K Comment:** Mr. Mittermaier has expressed his preference to have the barrier-free parking stall near Ricalton Square relocated to the sidewalk adjacent to the residential vestibule of the building if grade conditions allow.

**6/30/2015 OEA Response:** *"Since the layout has been revised to accommodate the deliveries at Kings Supermarket, all of the parking stalls have been moved across the drive aisle. The barrier-free parking stall has, however, been relocated closest to the Maplewood Avenue and the adjacent sidewalk and plaza area."*

**7/23/2015 K&K Status:** The submitted information is acceptable.

3. **4/13/2015 K&K Comment:** Mr. Mittermaier has expressed his preference to have a curb ramp for the barrier-free parking stalls in the south parking lot installed in the sidewalk adjacent to these stalls.

**6/30/2015 OEA Response:** *"Barrier-free ramps are proposed at the crosswalks to the south of the building, adjacent to the parking stalls."*

**7/23/2015 K&K Status:** The submitted information is acceptable.

4. **4/13/2015 K&K Comment:** I recommend that Mr. Malavasi provide his findings to the Board on the following issues which are within his jurisdiction:

- a) The proposed "bypass" sanitary sewer shown in the southerly parking lot has a gradient of 0.10%, below the 0.40% minimum NJDEP requirement. Is this acceptable? I also recommend that the profile of this sewer depict the crossing over/under the existing storm drain and the location and elevation of the proposed lateral from the new building.
- b) The proposed selections of tree grates and street furniture are to be approved by Mr. Malavasi.
- c) The material for proposed sidewalks is to be determined by Mr. Malavasi. Currently, the plans show scored concrete for sidewalks that are not in the public right-of-way.
- d) Indicate if the Township has the rights to construct the "bypass" sanitary sewer across the adjoining private property.

**6/30/2015 OEA Response:** *"Comments below:*

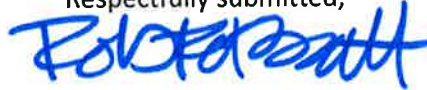
- a. *The proposed "bypass" sanitary sewer system has been revised to a minimum slope of 0.5%.*
- b. *No response required at this time.*
- c. *No response required at this time.*
- d. *The Township has or will obtain an easement within the parking lots to construct the "bypass" sanitary sewer."*

**7/23/2015 K&K Status:** The submitted information is acceptable

5. The applicant should consider adjusting the grading along the rear and Village Coffee side of the building. I will describe this in further detail with the applicant upon request.
6. I recommend that the driveway at the rear of the building be widened to 14 feet to avoid the waiver request.
7. The applicant should consider an alternative to the modular block wall shown along the rear of the site so as to avoid any encroachment of the necessary geo-grid tieback into the railroad right-of-way. This may also allow more flexibility in the options for widening the driveway across the rear of the site. The existing 36 tree near the southwest end of the rear parking lot should be considered during the wall design.
8. As noted in my supplemental report dated April 22, 2015, any improvements undertaken on the "panhandle" must be approved by the railroad. If the project is approved, I recommend that this be made a condition of approval.

9. Any approval should be conditioned upon the customary bonding and as-built survey requirements.

Respectfully submitted,



Robert E. Bratt, P.E., P.P.  
Board Consultant

REB/rem

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cc: Thomas Malavasi, P.E., P.P. (E-mail only)  
Robert Mittermaier (E-mail only)

